

**Amendments to the Claims**

Claim 1. (Cancelled).

Claim 2. (Previously Presented) The surgical device according to claim 59, further including a bias member biasing the first member and second member into the first position.

Claim 3. (Previously Presented) The surgical device according to claim 2, wherein the bias member imparts a compressive force of between about 1 lb. and 20 lbs. on the retainer in the second position.

Claim 4. (Previously Presented) The surgical device according to claim 59, wherein the first member is an acoustic horn.

Claim 5. (Original) The surgical device according to claim 4, wherein the energy source provides ultrasonic energy.

Claim 6. (Cancelled)

Claim 7. (Original) The surgical device according to claim 5, wherein the ultrasonic energy is provided through an end portion of the acoustic horn.

Claim 8. (Previously Presented) The surgical device according to claim 59, wherein the energy source provides energy selected from the group consisting of radio frequency (RF) energy, laser energy, microwave energy, ultrasound energy, and contact heating energy.

Claim 9. (Cancelled)

Claim 10. (Previously Presented) The surgical device according to claim 8, wherein the energy source provides energy through an end portion of the first member.

Claims 11-13. (Cancelled)

Claim 14. (Previously Presented) The surgical device according to claim 59, wherein the second member is movable along a linear path relative to the first member.

Claims 15-23. (Cancelled)

Claim 24. (Currently Amended) A surgical device for securing tissue comprising:  
a first member including a first compression element;  
a tubular second member including a proximal end and a distal end, ~~the distal end having a gapped portion with a second compression element being integrated into the gapped portion, wherein~~ the tubular second member is movable along a linear path relative to the first member from a first position to a second position, and ~~wherein~~ the first compression element ~~and the second compression element are~~ is configured to receive contact a retainer ~~therebetween;~~  
an energy source operably connected to the first compression element; and  
~~the elongated sleeve further comprising a collar member configured to receive an end portion of a suture;~~  
wherein the insulation sleeve insulates [[the]] suture from energy from the energy source and wherein the elongated insulation sleeve moves independently of movement of the tubular member.

Claims 25-34. (Cancelled)

Claim 35. (Currently Amended) A surgical device for securing tissue comprising:  
a first member including a first compression element;  
a tubular member ~~including a gapped portion~~ configured to receive a retainer therein, ~~the gapped portion including an integrated second compression element,~~ wherein the tubular

member [[is]] slidably positionable over the first member, such that the first compression element is in opposing relation to the second compression element;

an energy source operably connected to the first compression element to deliver energy to the gapped portion of the tubular member;

an elongated insulation sleeve controllably positionable over the tubular member, wherein the elongated insulation sleeve is controllably slideable from a first sleeve position, covering the gapped portion of the tubular member, to a second sleeve position, uncovering the gapped portion of the tubular member, and wherein the sliding of the insulation sleeve is independent of movement of the tubular member; and

a safety switch operably connected to the elongated insulation sleeve, the safety switch having an off position operable to prevent delivery of energy to the gapped portion of the tubular member when the elongated insulation sleeve is in the second sleeve position,

wherein the safety switch moves to the off position with movement of the elongated insulation sleeve to the second sleeve position.

Claim 36. (Currently Amended) The surgical device according to claim 35, wherein the tubular member includes a gapped portion configured to receive the retainer therein, the gapped portion including an integrated second compression element and wherein the retainer is received between the first and second compression elements.

Claim 37. (Currently Amended) The surgical device according to claim 36, further comprising an actuation member operably connected to the tubular member, wherein the actuation member operates to move the tubular member [[from]] over the first sleeve position to the second sleeve position member.

Claim 38. (Previously Presented) The surgical device according to claim 37, further including a bias member biasing the tubular member into the first sleeve position.

Claim 39. (Previously Presented) The surgical device according to claim 38, wherein the bias member imparts a compressive force of between about 1 lb. and 20 lbs. on the retainer received between the first and the second compression elements.

Claims 40-43. (Cancelled)

Claim 44. (Currently Amended) A surgical device for securing tissue comprising:  
a first member including a first compression element;  
a tubular member including a gapped portion configured to receive a retainer therein, the gapped portion including an integrated second compression element, wherein the tubular member is slidably positionable over the first member such that the first compression element is in opposing relation to the second compression element;  
an energy source operably connected to the first compression element; and  
an elongated insulation sleeve controllably positionable over the tubular member from a first sleeve position to a second sleeve position, the elongated sleeve further comprising a collar member configured to receive an end portion of a suture, the collar including means for maintaining tension in the suture,  
wherein the elongated insulation sleeve is further positionable to insulate the suture from application of energy from the energy source.

Claim 45. (Previously Presented) The surgical device according to claim 35, wherein the first compression element is an acoustic horn.

Claim 46. (Original) The surgical device according to claim 45, wherein the energy source provides ultrasonic energy.

Claims 47-51. (Cancelled)

Claim 52. (Previously Presented) The surgical device according to claim 59, wherein a proximal end of the elongated insulation sleeve includes a channel for engaging a pin positioned on the second member, and wherein the channel and the pin cooperate to control a range of motion of the sleeve over the second member.

Claim 53. (Previously Presented) The surgical device according to claim 24, wherein a proximal end of the elongated insulation sleeve includes a channel for engaging a pin positioned on the tubular second member, and wherein the channel and the pin cooperate to control a range of motion of the sleeve over the tubular second member.

Claim 54. (Cancelled).

Claim 55. (Previously Presented) The surgical device according to claim 35, wherein a proximal end of the elongated insulation sleeve includes a channel for engaging a pin positioned on the tubular member, and wherein the channel and the pin cooperate to control a range of motion of the sleeve over the tubular member.

Claim 56. (Cancelled).

Claim 57. (Previously Presented) The surgical device according to claim 44, wherein a proximal end of the elongated insulation sleeve includes a channel for engaging a pin positioned on the tubular member, and wherein the channel and the pin cooperate to control a range of motion of the sleeve over the tubular member.

Claim 58. (Cancelled).

Claim 59. (Currently Amended) A surgical device for securing tissue comprising:

first and second members, the second member movable with the respect to the first member from a first position to a second position, the first member configured to contact a retainer in the second position; ~~, and the second member including~~

~~an elongated insulation sleeve movable with respect to both the first and second members, movement of the elongated insulation sleeve independent of movement of the second member;~~ and

an energy source operably connected to the first member, the energy source operable for application of energy to the retainer,

wherein the elongated insulation sleeve is further positionable to limit the application of energy from the energy source.

Claim 60. (Previously Presented) The surgical device according to claim 59, wherein the first and second members are spaced to receive a retainer therebetween in the second position and the first and second members are configured to apply a compressive force to the retainer in the first position.

Claim 61. (Previously Presented) The surgical device according to claim 60, wherein the second member has a body and the elongated insulation sleeve moves independently of movement of the body of the second member.

Claim 62. (New) A surgical device for securing tissue with a suture comprising:  
a first member including a first compression element configured to engage a fastener;  
a tubular second member being movable along a linear path relative to the first member from a first position to a second position;

an actuator having a first position configured to apply a force to the fastener and a second position configured to permit movement of the fastener with respect to the first compression element; and

wherein the device is configured to secure suture to the fastener with the actuator in the first position.

Claim 63. (New) The surgical device of claim 62, further comprising a second actuator having a first position configured to apply tension to the suture and a second position configured to release applied tension on the suture, wherein the device is configured to secure the suture to the fastener with the first actuator in the first position and the second actuator in the first position.